

REMARKS/ARGUMENTS

Currently in the case, after amendment, claims 2 - 52 are pending with claims 1 & 25-52 being canceled. Claim 2 was indicated as allowed. All the remaining claims in this case have been amended to depend from claim 2 and are thus allowable.

The Examiner is invited to telephone Applicant's Attorney at the number below between the hours of 1:00 p.m. and 6:00 p.m. Eastern Standard Time, if such will advance this case.

Dated: October 6, 2005

Respectfully submitted:

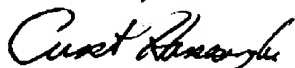


Tel. (562) 594-9784
Fax. (562) 594-4414
Docket: 13364 Statchem

Curt Harrington
Registration Number 31,456
Suite 250
6300 State University Drive
Long Beach, CA 90815

DATE OF DEPOSIT: October 06, 2005

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS fax to
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Curtis L. Harrington Reg. No. 31,456

Curtis L. Harrington

6300 State University Drive, Suite 250
Long Beach, California 90815
(562)594-9784; (714)374-9549; Fax(562)594-4414
PATENTAX®

October 6, 2005

Box AF
Commissioner of Patents & Trademarks
P.O. Box 1450, Alexandria, VA 22313-1450

PATENT
Docket No: 13364 Stat
Date: October 6, 2005

Dear Sir,

Accompanying this letter is an office action relating to the **utility** patent application of Patko, Burnam, Tam and Dabney for **PORTABLE CO-OXIMETER**, 09/752,502 The action consisting of: (1) 8 pages of response, (2) cover letter, & (3) an acknowledgement Post card. dkt: 13364-STAT. By regular mail and fax.

This amendment is submitted in response to an office action communication received on 07/07/2005. Accordingly, this document is

X timely;

 late by 2 month. If late, enclosed is a check for \$ 00.00 in payment of the extension fee pursuant to 37 C.F.A. section 1.17.

The response:

XX does not add claims requiring payment of an additional fee;

 does add claims requiring payment of an additional fee, which fee is calculated below.

Commissioner of Patents and Trademarks
October 6, 2005
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The additional fees have been calculated as follows:

Excess Claims Fees

	Number <u>current</u>	Number <u>previous</u>	Rate	
Total <u>claims:</u>	23	- 52	= 0	x \$ 25 = \$ 0

Independent <u>claims:</u>	2	- 5	= 0	x \$100 = \$ 0
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\$ 0

Should any additional fee be required or should any excess fee be paid, please charge or credit such amounts to charge account no. 08-0765.

Respectfully,



Curt Harrington
Reg. No. 31,456

Enclosures 1. Acknowledgment postcard
 2. Amendment (8 pages)